

## REMARKS

In the Office Action, the Examiner objected to the claims for missing punctuation in claims 1 and 11, rejected claim 26 under the second paragraph of section 112, rejected claims 1 - 26 as anticipated by the Smith et al. reference, and cited additional prior art of record but not relied upon.

### **Claim Objection**

Applicant thanks the Examiner for the careful review of the application. The missing punctuation has been inserted into claims 1 and 11 so that the objection is overcome.

### **35 USC 112, 2nd ¶**

The phrase “predeterminable circumstance” as recited in claim 26 is supported by the specification. In particular, the specification provides that, “In addition to the activation of the emergency activation means 5 by an operating personnel, an automatic activation can additionally be provided upon detection of a predeterminable circumstance, for example a threshold of a physiological parameter of a patient, or a safety-critical function parameter of a technical device, or a chemical environment parameter. For this purpose, the emergency activation means 5 can either comprise a corresponding sensor (for example a chemical or temperature sensor) or a connection to receive a sensor signal, for example from a patient EKG device.”

The term in question is, thus, generally equivalent to the term “predetermined condition.” Applicants submit that the description in the specification makes the meaning of the term clear, and that the scope of claim 26 is not indefinite. If the Examiner continues to object to this phrase, Applicant would agree to amend the claim to include a term that the Examiner finds acceptable. The Examiner is invited to contact the undersigned attorney to discuss any such change.

### **35 USC 102(b)**

The Smith et al. reference discloses an x-ray table and x-ray detector in an x-ray room. The Examiner characterizes the x-ray detector 34 as an emergency activation apparatus. The

x-ray detector 34 is provided on a rail so as to be positionable in different positions and thereby permit imaging of different portions of a patient's body.

By contrast, the present invention provides an emergency activation apparatus. The present apparatus has an emergency stop utility that is not disclosed or suggested in the Smith et al. reference. Claim 1 provides that the emergency activation apparatus is operable to signal an emergency condition. A change in the signal from the emergency activation apparatus indicates the emergency condition. In claim 27, the emergency condition results in deactivation of the technical device. Similar features are claimed in claims 11 and 28. Claim 13 likewise provides for a signal from the emergency activation apparatus, that, in claim 29, results in deactivation of the technical apparatus. Since the x-ray detector of Smith et al. is not used to signal an emergency condition or to deactivate the technical device, there is no disclosure of the claimed invention in the cited reference.

The Smith et al. reference discloses buttons 38a that act as a mechanical break switch to lock the release of the x-ray detector 34.

By contrast, the present invention provides an emergency stop switch. Applicant submits that the break switch of the prior art does not suggest an emergency stop switch.

Applicant submits that the invention as claimed in the present claims is patentably distinct over the cited art and withdrawal of the rejection is therefore respectfully requested.

#### **Additional Art**

The additional art cited by the Examiner but not relied upon is noted by the Applicants.

## Conclusion

Applicants respectfully request favorable reconsideration and allowance of the present application in view of the foregoing.

Respectfully submitted,



Melvin A. Robinson (Reg. No. 31,870)

Schiff Hardin LLP  
Patent Department  
6600 Sears Tower  
Chicago, Illinois 60606  
Telephone: 312-258-5785  
**CUSTOMER NO. 26574**  
ATTORNEY FOR APPLICANT

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